

REMARKS

Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

I. Status of the Claims

Claims 22-24 have been amended. Support for the amendments is found, for example, on page 28, lines 12-21 of the present Specification. No new matter has been added.

Claims 1-3 and 19-21 were previously cancelled.

Claims 4-18 and 22-27 are present pending.

Claims 4-18 and 22-27 stand rejected.

II. Rejection under 35 U.S.C. §§ 102 and 103

Claims 4-15, 22-24, and 26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,926,218 to Smith. Claims 16-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of U.S. Patent No. 6,654,057 to Rhodes. Claim 25 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of U.S. Patent No. 5,986,764 to Nonaka. Applicants respectfully traverse these rejections, and reconsideration is respectfully requested.

The Examiner submits that Smith discloses all of the features of the present invention set forth in claims 22, 23, and 24, including that Smith's system can receive light from two separate light paths to two separate image capturing device and correct the difference in image capturing position between the two. Examiner cites Smith, column 6, lines 29-33.

Claims 22-24 have been amended to recite that the processing means corrects “a difference in a parallax between said first optical system and said second optical system.” Applicants respectfully submit that Smith does not correct for parallax between two optical systems having separate light paths.

The present claims recite an image capturing apparatus that includes a first optical system and a second optical system, each of which receives a separate light path. A processing means corrects a parallax between the first optical system and the second optical system. As shown in Fig. 2, the first optical system receives light along a first light path from the subject (first subject image light) and supplies image data based on the first subject image light F1, to the first image capturing device. The second optical system receives light along a second light path (second subject image light), separate from the first light path, and supplies image data based on the second subject image light F2, to the second image capturing device. The image data is supplied separately from each of the optical systems to the respective capturing devices since the two optical systems each capture an image from a separate light path. Parallax is formed because of the separate light paths. Claims 22, 23, and 24 have been amended to recite that the parallax is corrected.

Applicants respectfully submit that neither embodiment disclosed in Smith anticipates or renders unpatentable all of the elements of the claims. Smith discloses two separate and distinct embodiments for electronic cameras. The first embodiment is set forth in Figure 1, and is described in Smith, column 2, line 47 to column 5, line 65. The second embodiment is illustrated in Figure 2 and is described in Smith, column 5, line 66 to column 6, line 54.

The first embodiment includes two optical sections, a viewfinder optical section 16 and an imaging optical section 20. Each section 16, 20 has its own light path, viewfinder optical path 10 and imaging optical path 12, respectively. In this regard, Smith discusses all the features and equivalents of the first embodiment in almost 3½ columns of text. In the description of the first embodiment, Smith is silent regarding the correction of parallax between the first and second optical systems.

In contrast, Smith discloses a second embodiment having two optical sections, a viewfinder optical section 16 and an imaging optical section 20. The sections 16, 20 share a single light path, main optical path 66. It is only in regard to the second embodiment that Smith discusses the correction of parallax.

In support for this position, Applicants direct the Examiner to the description of second embodiment. The description starts with “Referring next to FIG. 2 ...” and goes on to describe the elements of the second embodiment that differ from the first (Smith, column 5, line 66). One key difference is that the second embodiment has one light path and a beamsplitter 64 to divide the single light path into two, one for each optical section. The next paragraph starts “[i]n addition to the display/viewfinder and other camera functions described in connection with FIG. 1 (exposure, metering, and white balance), the implementation shown in FIG. 2 allows ...” numerous other additional features that are not found in the first embodiment (Smith, column 6, lines 14-17 – emphasis added). The paragraph continues to describe all of the features of the second embodiment not found in the first embodiment due to the specific configuration of the second embodiment. The

Smith, Rhodes and Nonaka do not, alone or in combination, disclose all of the elements of the claims. Claims 16-18 and 25 are allowable based on the arguments above. Applicants respectfully request that the present rejection be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: February 23, 2006

Respectfully submitted,

By

Louis J. DelJuidice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant